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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/040,438
	Filing Date	January 9, 2002
	First Named Inventor	Nagashima, Hiroki
	Art Unit	2625
	Examiner Name	Kassa, Yosef
Total Number of Pages in This Submission	Attorney Docket Number	13877

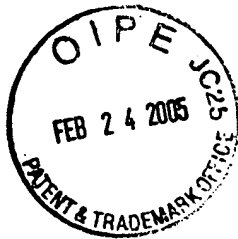
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Dowell & Dowell, P.C.		
Signature			
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Attorney Docket No. 13877

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Art Unit: 2625

Examiner: Kassa, Yosef

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated January 24, 2005, Applicant hereby provisionally elects Group II – Claims 15 - 42. The election is made with traverse.

The Examiner has indicated that Claims in Group I and II are related as sub-combinations usable together in a single combination.

The traversal of the restriction requirement is based on a lack of a showing in the Restriction Requirement of the serious burden that would be imposed if all the claims were examined in a single application. It is respectfully submitted that the

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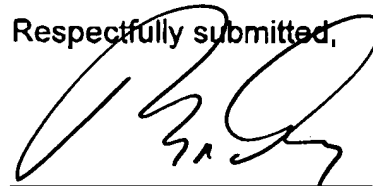
search and examination of the claim Groups could be made without serious burden. MPEP § 803 indicates that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". Specifically, although it is alleged that the distinct inventions "have acquired a separate status in the art as shown by their different classification," MPEP §808.02(1) requires not only that the distinct inventions have acquired separate status in the art by showing their separate classification, but also that "a separate field of search" is required. It is respectfully submitted that no such showing is made out in the Restriction Requirement. To the contrary, although Applicant's counsel will not claim to be skilled in using the Manual of Classification, it appears that it would be necessary to search the claims in the Groups in each of the subclasses listed on page 2 of the Restriction Requirement to fully search these inventions. For this reason, it does not appear that a prima facie showing of the need for restriction of the claims in Groups I and II has been established, and in the absence of such a showing, Applicant traverses and requests reconsideration of the restriction requirement.

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Should the Examiner believe anything further is desirable in order to place the application in better condition for examination on the merits and allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

By



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